

S/N 10/032,700
Ref. No.: 659-911
Client Ref. No.: K-C 17154

REMARKS:

Remarks About the Information Disclosure Statements:

Applicants filed a First Supplemental Information Disclosure Statement and Form PTO-1449 on August 5, 2002, as evidenced by the file stamped copies available from the Image File Wrapper (IFW) (Tab 1). According to the IFW, the foreign references cited in the First Supplemental IDS were also filed with the USPTO on August 5, 2002 and are available through the IFW. Applicants note that the Examiner has not initialed the Form PTO-1449 (Tab 1) to show her consideration of references B1-B9. Applicants respectfully request that the Examiner consider the references (B1-B9) cited in the First Supplemental IDS and initial the Form PTO-1449 to evidence her consideration thereof.

Remarks About the Rejections Under 35 USC 102 and 103:

In the Office Action mailed September 9, 2004, the Examiner has rejected the pending claims (1-37) as being anticipated or made obvious over U.S. Patent No. 4,701,170. Applicants respectfully disagree for the following reasons.

In particular, claim 1 recites “a fastener member attached to *said body side* of said first body panel and comprising a refastenable portion formed on a garment side of said fastener member, said refastenable portion releasably attached to *said body side* of said second body panel” (emphasis added). In contrast, as shown in FIG. 17 of Wilson (as applied by the Examiner),¹ one of the fastener portions is secured to the *garment* side of the body panel – not the body side thereof. Accordingly, the body panels must overlap, as shown in FIGS. 17 and 18 of Wilson, in contrast to

¹ Applicants further note that in the fastener system of FIGS. 19-21 of Wilson, the fastener portion 76 does not directly engage the second body panel, as recited in claim 1. Rather, the fastener engages another fastener member 72. There is no suggestion that the fasteners of Wilson directly engage the body panel.

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Applicants' fastening system, which "avoids the need to overlap the first and second body panels" (Specification at 3, lines 27-31; see Fig. 1). Accordingly, Wilson fails to disclose or suggest all of the limitations of claim 1.

Likewise, claim 16 recites that the "first portion is attached to *said body side of said first body panel* and said second portion is releasably attached to *said body side of said second body panel*," and further that "second portion *directly engages* said second body panel." As explained above with respect to claim 1, Wilson fails to disclose or suggest this recitation and claim 16 should be passed to allowance.

Claim 21 recites "applying said garment side of said first portion of said fastener member to *said body side of said first body panel*; and releasably applying *said body side of said second body panel directly* to said garment side of said second portion of said fastener member." Likewise, claim 29 recites "successively applying said garment side of said first portions of said fastener members to *said body side of said first body panel web*; and successively, releasably applying *said body side* of said second body panel web *directly* to said garment side of said second portions of said fastener members." Accordingly, claims 16 and 29 are also allowable for the same reasons set forth above with respect to Wilson.

Claim 5 has been rewritten in independent form, and recites that the fastener member is *releasably engaged* with the body side surfaces of the first *and* second body panels. In contrast, the first fastener portion of Wilson, as applied by the Examiner (Office Action at 2) is *fixedly secured* to the body panel. Accordingly, claim 5 should be passed to allowance on the next Office Action for this additional reason.

For all of the reasons set forth above, Applicants submit that the claims are in condition for allowance and notice to that effect is earnestly solicited. After Amendment, this application has 39 claims, including six independent claims.

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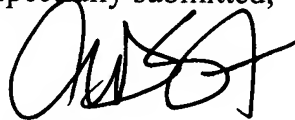
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Applicants previously paid for 40 claims, including five independent claims.

Applicants have enclosed a check in the amount of \$200 for the additional independent claim.

Any questions concerning this election or amendment should be directed to the undersigned attorney at (312) 321-4713.

Respectfully submitted,



Date: December 9, 2004

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